

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENARO SANTIAGO BARRAGAN (1);
JULIO CESAR AYALA (2);
and FRANCISCO JAVIER SANTES
GARCIA(3),

Defendants.

No. 4:16-CR-06042-EFS
(ALL DEFENDANTS)

**ORDER GRANTING THE USAO'S MOTION
FOR DISCLOSURE TO DEFENSE COUNSEL
BUT NOT UNSEALING, MOTION FOR
PROTECTIVE ORDER, AND RELATED
MOTIONS TO EXPEDITE**

Before the Court, without oral argument, is the United States Attorney's Office's (USAO) Motion to Disclose Pre-Indictment Pleadings for Discovery but not Unsealing and for Protective Order, ECF No. 66. The USAO seeks permission to disclose certain sealed documents to defense counsel without unsealing the documents and to set parameters for the parties' use of sealed documents during discovery and court hearings. ECF No. 66. The USAO represents that the sealed documents pertain to an ongoing investigation and there is a need to protect the safety and security of any confidential informants. ECF No. 66.

The investigation that resulted in the Indictment in this case involved a number of warrants filed under seal with a magistrate judge. ECF No. 66. Although these documents should remain sealed to protect any confidential informants and to avoid jeopardizing an ongoing

1 investigation, Defendants and their counsel must have access to these
2 documents to prepare their defense. Therefore, the Court finds good
3 cause to grant the USAO's motion and order that the search warrants in
4 the following case numbers be disclosed to defense counsel but remain
5 sealed to the public:

6 A. 4:16-mj-07128-MKD,

7 B. 4:16-mj-07129-MKD,

8 C. 4:16-mj-07144-MKD,

9 D. 4:16-mj-07146-MKD,

10 E. 4:16-mj-07160-MKD,

11 F. 4:16-mj-07161-MKD,

12 G. 4:16-mj-07162-MKD,

13 H. 4:16-mj-07163-MKD,

14 I. 4:16-mj-07165-JTR,

15 J. 4:16-mj-07166-JTR,

16 K. 4:16-mj-07167-JTR,

17 L. 4:16-mj-07168-JTR,

18 M. 4:16-mj-07169-JTR.

19 The Court also finds good cause to grant the USAO's request for a
20 protective order related to the dissemination of discovery as set forth
21 below. The parties are expected to be vigilant in protecting the
22 identity of any confidential informants referenced in sealed documents.

23 Accordingly, **IT IS HEREBY ORDERED:**

24 **1.** The USAO's Motion to Disclose Pre-Indictment Pleadings for
25 Discovery but not Unsealing and for Protective Order, **ECF**
26 **No. 66**, is **GRANTED**.

1 2. A protective order is **ENTERED**, as follows:

2 **A.** The USAO will provide discovery materials (including
3 Protected Discovery) on an ongoing basis to defense
4 counsel;

5 **B.** Defense counsel may possess but not copy (excluding the
6 production of necessary working copies) the discovery
7 materials, including sealed documents;

8 **C.** Defense counsel may show to, and discuss with, the
9 Defendants the discovery material, including sealed
10 documents;

11 **D.** Defense counsel shall not provide original or copies
12 of discovery materials directly to the Defendants;

13 **E.** Defense counsel shall not otherwise provide original
14 or copies of the discovery material to any other person,
15 including subsequently appointed or retained defense
16 counsel, but excluding any staff of defense counsel or
17 investigator and/or expert engaged by defense counsel,
18 who will also be bound by the terms and conditions of
19 the protective order;

20 **F.** The USAO and defense counsel may reference the
21 existence and content of sealed discovery material in
22 open and closed court proceedings relevant to this
23 cause. Any reference to the content of the Protected
24 Discovery shall be filed under seal, until further
25 order of the Court.
26

1 **G.** The parties may seek relief from this Order for good
2 cause shown.

3 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this
4 Order and provide copies to all counsel and Magistrate Judge Dimke.

5 **DATED** this 14th day of November 2016.

6 s/Edward F. Shea
7 EDWARD F. SHEA
8 Senior United States District Judge
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